

HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 435 of 2001
(Old No. 3358 of 2000)

Jaideep Singh Negi S/o Shri Jaikrit Singh Negi R/o village Rani Pokhari P.S. Rishikesh District Dehradun	Versus	...Applicant
State of Uttaranchal		Respondent

Hon'ble J. C. S. Rawat, J.

1. Heard Sri Lokendra Dobhal learned counsel for the applicant and Sri Lalit Verma A.G.A. for the State.

2. The petition under section 482 Cr.P.C. has been filed for quashing the summoning order dated 18.4.2000 and arrest order dated 26.4.2000 in pursuance of the proceedings of criminal case No.170/2000 State Vs. Jaideep Singh Negi under section 110(f) Cr.P.C. pending before the Sub-Divisional Magistrate, Rishikesh, District Dehradun.

3. Brief facts of the case are that vide order dated 18.4.2000 the Sub Divisional Magistrate, Rishikesh, District had issued a summoning order against the applicant on the basis of report filed by the police. In the said order, the Magistrate directed the applicant to appear on 26.4.2000 before the court and file a personal bond of Rs. 50,000/- and two sureties of Rs.50,000/- each in his court for the period of three years. On the basis of summoning order dated 18.4.2000, the police visited the house of the applicant, but the applicant was not available in his house at that time, therefore, a report has been sent to the Magistrate to that effect. Thereafter, on 26.4.2000 the learned Magistrate directed the police to arrest the applicant and produce him before the court on 8.5.2000. Feeling aggrieved by

the said orders, the applicants preferred the present petition.

4. It was contended on behalf of the applicant that before passing the summoning order dated 18.4.2000 no notice under section 111 Cr.P.C. was given to the applicant. It was also contended that the substance of information has not been shown in the order dated 18.4.2000 as has been provided under section 111 Cr.P.C. It was contended that in absence of any order or notice under section 111 Cr.P.C., the proceedings are bad in law. Learned counsel for the applicant further contended that there must be a number of convictions regarding the case by evidence of the general reputation. The State has not filed the counter affidavit. In view of the above facts and circumstances of the case, it is clearly revealed that no notice as required under section 111 Cr.P.C. was given to the applicant. Learned A.G.A. could not show me by his record also that any notice under section 111 Cr.P.C. was sent to the applicant.

5. In view of the foregoing discussion, the orders passed by the learned Magistrate are liable to be quashed. Therefore, the summoning order dated 18.4.2000 and arrest order dated 26.4.2000 passed by Sub-Divisional Magistrate, Rishikesh, District Dehradun in criminal case No. 170/2000 State Vs. Jaideep Singh Negi under section 110(f) Cr.P.C. are quashed.

6. The petition is allowed accordingly.

(J.C.S. Rawat, J.)

Dated 07.04.2006

LSR